M

Case: 1:18-cr-00495 Document # 58 File - 0445/19 age 1 of 20 PageID #:248

APR 1 5 2019

THOMAS G. BRUTON

Apr.4th

Judge Sara Ellis,

Hi Your Honorable Judge Sara Ellis i Pray that this letter reaches you in your most Humble State of Mind & that you are at Peace as it were written sealed & sent to you on this very day.

I have a few issues that i must address & hopefully you can be of any assistance to me on this. I first would like to bring your attention to that there are Documents inside that Corroborate everything that i'm saying.

Every since the day that the Courts Appointed Mr.Kling to my case he was helping the Government Fabricate their Case against me. As you can see me & Mr.Kling were never in Agreement to Waive my Preliminary Examination Hearing & that Mr.Kling Deceived the Courts & Lied to me about the Hearing Scheduled on August 21st. Theres Emails Dated on August 21st from Mr.Kling telling me that its was a mixtup in Court dates but the truth is that Mr.Kling was actually in Court Violating my Due Process.

Then on October ist i ask Mr.Kling to file a Motion to Dismiss my Case under Federal Rules to Criminal Precedures [18 u.s.c.3161 section (B) Time Limits & Exclusions, & he flat out told me [no] as you can see in the Email Dated on October 1st by Mr.Kling Eventhough Mr.Kling can say (NO) he should have also withdrew from my Case but instead he did'nt, He stayed on my Case & continued to not do what i asked of him but all the while he continued to help the Government by Prolonging, First off he granted an Extension of time without consulting me first, as you can see the Unopposed Motion for an Extension of time by the Government on August 31st.

Then on November 7th or the 6th i received a Email from Mr.Kling saying he had my Discovery an he would be bringing it to me on that friday but he did'nt show up until monday the 11th. When Mr.Kling came to see me that monday i let him know that his services were nolonger needed as you can see by the conversation he tried to have with me on November 12th trying to stay on my Case. On November 11th Mr.Kling also Lied to me about my case being under Protective Court Order by the Court Which i asked you in Court on November 20th & you told me [no] it wasn't, I asked you was it even Motioned up to the Courts on November 11th when Mr.Kling came to see me & you said [no].

The AUSA said Mr.Kling was operating under the Assumption that she was Motioning up for a Court order but Mr.Kling had my Discovery on November 6th or 7th, I did'nt see it until the 11th the called her & told her to put it under Protective Order so i cant see all the things they did to set [me] up.] Cause if he was operating under the assumption that she was going to Motion up for a Protective order he had it long before she even attempted to do so as you can see she did'nt Motion up for a Protective Order until November 15th.

Then the very next day Mr.Kling Motion up to withdraw from my case as my Attorney on November 16th.

It's very clear to me that Mr.Kling never intended to [fairly] Represent me in this Case...

From the beginning he was Liein to me trying to Discourage me from doing what he would nt do for me.[as you can see in the Email from October 24th.]

I did'nt have the option of choosing who the Government Appointed to my Case and you told me that i could'nt Fire him because the Government Appointed him to me. You said this to me on November 20 th....

So i want to know who is Responsible for the Irreparable Damage that Mr.Kling has cause me?

If just because the Goverment appointed him to me & i wasn't allowed to [fire] him.

I tried to inform you about what Mr.Kling the Renown Law Professor was doin to me in Court on November 20th but you said you & Mr.Kling had a long working relationship so i got Scared to bring it up, But i still tried but you said you did'nt want to hear it...& i only been in your Court Room three times sence you've had my Case.

It's very clear who Mr.Kling was working for an it wasn't me. this isn't just[Harmless Error]& I would like for this situation to be Corrected.....

I PREY THAT HER HONOR CORRECTS THIS SITUATION...

THANK YOU

Sincerely IVAN K.PARKER

Case No. 18cr495

4/1/2019	Case: 1	:18-cr-00495 Document #: 58 Filed: 04/15/19 Page 3 of 20 PageID #:250 Magistrate Judge. Mailed notice (pk,) (Entered: 10/18/2018)
10/19/2018	32	EXECUTIVE COMMITTEE ORDER: Case as to Ivan Parker referred to Magistrate Judge Honorable Maria Valdez. Signed by Executive Committee on 10/19/2018.(pk,) (Entered: 10/19/2018)
10/23/2018	33	MINUTE entry before the Honorable Maria Valdez as to Defendant Ivan Parker: Arraignment hearing is set for 10/25/18 at 11:00 a.m. in Courtroom 1041. Mailed notice (lp,) (Entered: 10/23/2018)
10/23/2018	34 R	MOTION for time limits and exclusions section 3161 by defendant Ivan Parker. (Envelope postmarked 10/17/2018- institution mail room 10/17/2018) (pk,) (Entered: 10/23/2018)
10/24/2018	35	LETTER from Ivan Parker dated 8/5/2018. (Envelope not postmarked-institution mail 10-19-2018 (pk,) (Entered: 10/25/2018)
10/25/2018	<u>36</u>	ORAL MOTION by USA to exclude time as to Ivan Parker (pk,) (Entered: 10/25/2018)
10/25/2018	37	ORDER as to Ivan Parker: Arraignment hearing held on 10/25/18 as to Defendant Ivan Parker. Attorney Richard S. Kling was present in court on behalf of the defendant. Defendant waives formal reading and enters a plea of not guilty as to all counts of the indictment. The Government advised the defendant of the charges pending against him and the maximum penalties. The following dates were given in open Court: 16.1(a) conference by 11/1/18, pretrial motions by 12/18/18, response by 1/2/19, reply by 1/9/19, status hearing is set for 1/16/19 at 10:00 a.m. before Judge Ellis. The Governments oral motion to exclude time is hereby granted. Enter excludable time from 10/25/18 to and including 1/16/19 in the interest of justice, for the filing of any pretrial motions, and in order to allow counsel reasonable time for effective preparation pursuant to 18 U.S.C. §3161(h)(7)(A), (h)(7)(B)(iv) and 18 U.S.C. §3161(h)(1)(D) (X-T). Defendant is to remain in federal custody. Signed by the Honorable Maria Valdez on 10/25/18. Mailed notice. (pk,) (Entered: 10/25/2018)
10/26/2018	38	LETTER from Ivan Parker dated 10/19. (Envelope postmarked 10/23/2018) (pk,) (Entered: 10/29/2018)
11/15/2018	<u>39</u>	MOTION by USA for protective order as to Ivan Parker (Richardson, Tobara) (Entered: 11/15/2018)
11/15/2018	40	NOTICE of Motion by Tobara Sade Richardson for presentment of motion for protective order 39 before Honorable Sara L. Ellis on 11/20/2018 at 10:00 AM. (Richardson, Tobara) (Entered: 11/15/2018)
11/16/2018	41	MOTION to withdraw as attorney as to Ivan Parker Richard S. Kling (Kling, Richard) (Entered: 11/16/2018)
11/16/2018	42	NOTICE of Motion by Richard S Kling for presentment of motion to withdraw as attorney <u>41</u> before Honorable Sara L. Ellis on 11/20/2018 at 10:00 AM. (Kling, Richard) (Entered: 11/16/2018)
11/20/2018	43	ORDER as to Ivan Parker: Motion hearing held. Motion by USA for protective order <u>39</u> is granted. Enter Protective Order Governing Discovery. Motion to withdraw <u>41</u> is granted. The appearance of Attorney Richard Kling is withdrawn. The Court recruits new counsel from Federal Defender Program to represent defendant. Status hearing set for 1/16/2019 is stricken. Status hearing set for 12/20/2018 at 1:30 PM. Attorney Richard Kling to turnover to new counsel twenty disks of discovery. Enter excludable time from 11/20/2018 to and including 12/20/2018 in the interest of justice, for the filing of any pretrial motions, and in order to allow counsel reasonable time for effective preparation pursuant to 18 U.S.C. §3161(h)(7)(A), (h)(7)(B)(iv) and 18 U.S.C. §3161(h)(1)(D) (X-T). Signed by the Honorable Sara L. Ellis on 11/20/2018. Mailed notice. (pk,) (Entered: 11/20/2018)
11/20/2018	44 R	PROTECTIVE Order Governing Discovery as to Ivan Parker. Signed by the Honorable Sara

4/1/2019 08/13/2018	Ċase: 1::	18-cr-00495 Document File of 04/15/19 Page Page Page Page Page Page Page Page
08/15/2018	7	PRETRIAL Bail Report as to Ivan Parker (SEALED) (Nelin, Laura) (Entered: 08/15/2018)
08/15/2018	2 R	ORDER as to Ivan Parker: Detention hearing held on 8/15/18 as to Defendant Ivan Parker. Attorney Richard Kling appeared on behalf of the defendant. The Government's oral motion to detain the defendant based on being a risk of flight and a danger to the community ishereby granted. Defendant waives his right to a bond determination hearing at this time without prejudice. A status on preliminary examination hearing is reset to 8/21/18 at 11:00 a.m. in Courtroom 1041. Detention order to follow. Defendant is to remain in federal custody. Signed by the Honorable Maria Valdez on 8/15/2018. Mailed notice (If,) (Entered: 08/17/2018)
08/15/2018	10	ATTORNEY Appearance for defendant Ivan Parker by Richard S Kling (lf,) (Entered: 08/17/2018)
08/21/2018	11 R	ORDER as to Ivan Parker: Case called for status hearing on 8/21/18 as to defendant Ivan Parker. Defendant's counsel advised the Court that defendant is waiving his right to a preliminary examination hearing, therefore the status hearing set for 8/21/18 at 11:00 a.m. is hereby stricken. The defendant is therefore bound to the District Court, and will remain in federal custody. Signed by the Honorable Maria Valdez on 8/21/2018. Mailed notice. (kp,) (Entered: 08/21/2018)
08/21/2018	13	SEALED MOTION by USA as to Ivan Parker. (td,) (Entered: 08/23/2018)
08/21/2018	14	SEALED ORDER as to Ivan Parker Signed by the Honorable Sidney I. Schenkier on 8/21/2018. (td,) (Entered: 08/23/2018)
08/21/2018	<u>15</u>	SEALED Document. (Attachments: # 1 Sealed Attachment) (td,) (Entered: 08/23/2018)
08/22/2018	12	CJA ORDER Appointing Counsel Under the Criminal Justice Act as to Ivan Parker. Signed by the Honorable Maria Valdez on 8/22/2018. Mailed notice (lf,) (Entered: 08/22/2018)
08/31/2018	<u>16</u>	UNOPPOSED MOTION by USA for an Extension of Time to Return an Indictment as to Ivan Parker. (lf,) (Entered: 09/07/2018)
08/31/2018	<u>17</u>	ORDER as to Ivan Parker. Signed by the Honorable Virginia M. Kendall on 8/31/2018. Mailed notice (lf,) (Entered: 09/07/2018)
09/13/2018	<u>19</u>	ORDER signed by Judge Susan E. Cox on 9/13/2018 (rp,) Modified on 11/20/2018 (rp,). (Entered: 09/13/2018)
09/13/2018	<u>20</u>	APPLICATION and affidavit for a search warrant (Attachments: # 1 Search and seizure warrant)(rp,) Modified on 11/20/2018 (rp,). (Entered: 09/13/2018)
09/17/2018	21	SEALED WARRANT Returned Executed (Richardson, Tobara) (Entered: 09/17/2018)
09/28/2018	22	SEALED MOTION by USA. (jjr,) (Entered: 09/28/2018)
09/28/2018	23	SEALED ORDER. Signed by the Honorable Maria Valdez on 9/28/2018. (jjr,) (Entered: 09/28/2018)
09/28/2018	24	SEALED Document. (jjr,) (Entered: 09/28/2018)
10/04/2018	<u> 26</u>	SEALED DOCUMENT (rp,) (Entered: 10/04/2018)
10/04/2018	<u>27</u>	SEALED DOCUMENT (rp,) (Entered: 10/04/2018)
10/17/2018	28 R	INDICTMENT as to Ivan Parker (1) count(s) 1 (pk,) (Entered: 10/18/2018)
10/17/2018	<u>30</u>	DESIGNATION Sheet: FELONY (Category 2). (pk,) (Entered: 10/18/2018)
10/17/2018	31	MINUTE entry before the Honorable M. David Weisman: No bond set; detained by

Case: 1:18-cr-00495 Document #: 58 Filed: 04/15/19 Page 5 of 20 PageID #:252

TRULINCS 52193424 - PARKER, IVAN KELSEY - Unit: CCC-E-A

FROM: Kling, Richard

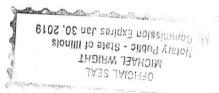
TO: 52193424

SUBJECT: RE: court

DATE: 08/21/2018 12:21:25 PM

You were due in court. Probably a screw up. As soon as I know I'll let you know.

IVAN KELSEY PARKER on 8/21/2018 9:35:57 AM wrote i dont know whats going on but i would appreciate it if you came to see me thank you sir.



1-7-19

Case: 1:18-cr-00495 Document #: 58 Filed: 04/15/19 Page 6 of 20 PageID #:253

TRULINCS 52193424 - PARKER, IVAN KELSEY - Unit: CCC-E-A

FROM: Kling, Richard

TO: 52193424 SUBJECT: Court

DATE: 08/21/2018 01:06:13 PM

Neither you nor your friend were brought over due to a mix up in dates. Right now I am awaiting discovery from the AUSA but you. have no new court date. As soon as I know anything new or get discovery I will get over to see you. Just be patient.



Case: 1:18-cr-00495 Document #: 58 Filed: 04/15/19 Page 7 of 20 PageID #:254

TRULINCS 52193424 - PARKER, IVAN KELSEY - Unit: CCC-E-A

FROM: Kling, Richard

TO: 52193424

SUBJECT: RE: Court

DATE: 08/23/2018 10:36:04 PM

I was there. Have them call me. They are not correct.

IVAN KELSEY PARKER on 8/23/2018 9:08:34 PM wrote

because my family was at court for me on Wensday and they told them I go to court on the 28th and she go on the 29th.

----Kling, Richard on 8/23/2018 7:06 PM wrote:

What makes you think you have court Tuesday?

IVAN KELSEY PARKER on 8/23/2018 4:50:16 PM wrote So i got court Tuesday right? what time so i can let my people know?

M 7719

Case: 1:18-cr-00495 Document #: 58 Filed: 04/15/19 Page 8 of 20 PageID #:255

TRULINCS 52193424 - PARKER, IVAN KELSEY - Unit: CCC-E-A

FROM: Kling, Richard

TO: 52193424

SUBJECT: RE: Court

DATE: 08/24/2018 02:06:17 PM

You do not. The AUSA will present evidence to the grand jury in the next couple of weeks, and if they return and indictment then we will get a court date.

IVAN KELSEY PARKER, on 8/24/2018 12.52:47 PM wrote So you telling me that I don't have a court date?

OFFICIAL SEAL
MICHAEL WRIGHT
Notary Public - State of Illinois
My Commission Expires Jan 30, 2019

W 17-19

Case: 1:18-cr-00495 Document #: 58 Filed: 04/15/19 Page 9 of 20 PageID #:256

TRULINCS 52193424 - PARKER, IVAN KELSEY - Unit: CCC-E-A

FROM: Kling, Richard

TO: 52193424

SUBJECT: RE: Court

DATE: 10/01/2018 03:21:08 PM

Although perhaps I should've checked with you, it is not unusual for a defense attorney to agree to an extension for the government to secure an indictment, particularly for the first time. I am not at this point filing any motion to dismiss. The complaint thoroughly sets forth what their allegations are, and when we get the discovery in the near future we will know a lot more. As I told you this morning you're just going to have to be patient. It is sometimes painfully slow system.

IVAN KELSEY PARKER on 10/1/2018 1:51:58 PM wrote

I feel like you are not working for me like you say you are and this is why you gave the AUSA an extension without making me aware. I was served a complaint Aug.13TH. It has been well over the thirty days and I'm feeling that you have just sabotaged my case by giving the AUSA extra time. I would really appreciate it if you would immediately file a motion to dismiss under the Federal Rules to Criminal Procedures-18 U.S..C 3161. Time Limits and Exclusions.

(b) Any information or indictment charging an individual with the commission of an offense shall be filed within thirty days from the date on which such individual was arrested or served with a summons in connection with such charges. If an individual has been charged with a felony in a district in which no grand jury has been in session during such thirty-day period, the period of time for filing of the indictment shall be extended an additional thirty days.

OFFICIAL SEAL MICHAEL WRIGHT Notary Public - State of Illing My Commission Expires Jan 30

W 7-15

Case: 1:18-cr-00495 Document #: 58 Filed: 04/15/19 Page 10 of 20 PageID #:257

TRULINCS 52193424 - PARKER, IVAN KELSEY - Unit: CCC-E-A

FROM: Kling, Richard

TO: 52193424

SUBJECT: RE: Court

DATE: 10/01/2018 03:36:07 PM

Just got off the phone with the AUSA. They plan to go to the grand jury either next week or the following week at the very latest. I will not agree to any further extensions of time. It would not of made a difference in any event. I did leave a voice message for your aunt and for your sister and hope they will return my calls.

IVAN KELSEY PARKER on 10/1/2018 1:51:58 PM wrote

I feel like you are not working for me like you say you are and this is why you gave the AUSA an extension without making me aware.. I was served a complaint Aug.13TH. It has been well over the thirty days and I'm feeling that you have just sabotaged my case by giving the AUSA extra time. I would really appreciate it if you would immediately file a motion to dismiss under the Federal Rules to Criminal Procedures-18 U.S.C 3161. Time Limits and Exclusions.

(b) Any information or indictment charging an individual with the commission of an offense shall be filed within thirty days from the date on which such individual was arrested or served with a summons in connection with such charges. If an individual has been charged with a felony in a district in which no grand jury has been in session during such thirty-day period, the period of time for filing of the indictment shall be extended an additional thirty days.

OFFICIAL SEAL
MICHAEL WRIGHT
Notary Public - State of
My Commission Expires

M 1-7-15

Case: 1:18-cr-00495 Document #: 58 Filed: 04/15/19 Page 11 of 20 PageID #:258

TRULINCS 52193424 - PARKER, IVAN KELSEY - Unit: CCC-E-A

UNITED STATES ATTORNEY A TRUE BILL: FOREPERSON

IVAN KELSEY PARKER on 10/24/2018 4:06:50 PM wrote

I never filed a pro se motion. I only filed a motion that we discussed and I felt that you should have filed it but since you didn't I felt it necessary for me to have to file the motion to dismiss. I have yet to receive an indictment and you did give them permission to have additional time to file an indictment which is something I would have never agreed to do especially since I am innocent of any charges they would try to bring forth on me. I wasn't trying to undermind you or your postion as my attorney I was doing what I felt necessary to get out of this place that I dont belong in, so I have no idea of what motion to go pro se you're talking about the truth is you're getting paid by someone to represent ME and therefore you shouldn't have a problem doing what I request from you that isn't illegal I know you have a ton of experience and I am a relative rookie in this situation but I know enough to know whwhat'sight and how I want my case to be handled and represented. With all due respect its MY life that is on the line not yours. So I hope Thursday you will be willing to take what I said into consideration and continue to do your best to work for MY benefit. Thank you.

----Kling, Richard on 10/23/2018 5:06 PM wrote:

Dear Mr. Parker.

I will see you in court on Thursday morning and we could discuss more fully the pro se motion that you filed. I can tell you in no one certain terms that as long as you are represented by counsel, whether it's me or anybody else, the judge will tell you that you have no business filing your own motions. You have a lawyer to file motions on your behalf and the judge will give you a choice of representing yourself or continuing to be represented by counsel. Additionally, we reached out to your family and got no response. We will see you in court Thursday morning and hopefully resolve any questions that you have.

Case: 1:18-cr-00495 Document #: 58 Filed: 04/15/19 Page 12 of 20 PageID #:259

TRULINCS 52193424 - PARKER, IVAN KELSEY - Unit: CCC-E-A

FROM: Kling, Richard

TO: 52193424

SUBJECT: Representation DATE: 11/12/2018 04:51:04 PM

Mr. Parker, you need to make a decision. I would love to continue to represent you and think you have a triable case based on the discovery I have reviewed so far. But I will not tolerate your head shaking, and a rolling, and your perception that you think you know better than everybody else. All you're going to do is put yourself in the penitentiary. So if you're willing to cooperate, let me know and I will not file a motion to withdraw. However let me know sooner than later or else you'll end up having another lawyer

OFFICIAL SEAL
MICHAEL WRIGHT
Notary Public - State of Illinois
Machine State of Illinois
Machine State of Illinois

Case: 1:18-cr-00495 Document #: 58 Filed: 04/15/19 Page 13 of 20 PageID #:260

TRULINCS 52193424 - PARKER, IVAN KELSEY - Unit: CCC-E-A

FROM: Kling, Richard

TO: 52193424

SUBJECT: RE: COURT

DATE: 11/13/2018 05:36:29 PM

You can tell it to the judge next week. If I am out, I will give the discovery back to the AUSA or to your new lawyer.

IVAN KELSEY PARKER on 11/13/2018 4:19:35 PM wrote NO I'M TELLING YOU NOW YOURE NOT MY LAWYER!!!!!!!!! -----Kling, Richard on 11/13/2018 2:51 PM wrote:

The case is being motioned up by the AUSA for next week, probably Tuesday, to address the issue of a protective order and whether you want me to stay in the case as your lawyer, so I will see you next week in court.

IVAN KELSEY PARKER on 11/13/2018 11:38:48 AM wrote you did'nt say nothing like that, so when are you gonna send it to me? ----Kling, Richard on 11/13/2018 9:21 AM wrote:

No. As I told you I cannot leave your discovery because it is under court protective order. I have it all in my office

IVAN KELSEY PARKER on 11/13/2018 8:08:55 AM wrote DID YOU LEAVE MY DISCOVERY?



17-18

UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF ILLINOIS EASTERN DIVISION

RECEIVED

UNITED STATES OF AMERICA

No. 18 CR 495

AUG 3 1 2018

JUDGE VIRGINIA M. KENDALL U.S. DISTRICT COURT

IVAN PARKER

v.

Acting Chief Judge Virginia M. Kendall

GOVERNMENT'S UNOPPOSED MOTION FOR AN EXTENSION OF TIME TO RETURN AN INDICTMENT

The UNITED STATES OF AMERICA, by its attorney, JOHN R. LAUSCH, JR., United States Attorney for the Northern District of Illinois, respectfully moves this Court, pursuant to 18 U.S.C. § 3161(h)(7), for a 40-day extension of time, to and including October 19, 2018, of the time in which to seek the return of an indictment against the defendant, IVAN PARKER, who has been charged in Case No. 18 CR 495. In support of this motion, the government states as follows:

- 1. On August 10, 2018, law enforcement arrested the defendant. On August 13, 2018, the defendant was charged by criminal complaint with robbery, in violation of Title 18, United States Code, Section 1951(a).
- 2. More specifically, as set forth in the criminal complaint, on or about July 27, 2018, Victim A began servicing an ATM machine. As part of his work, Victim A had with him a black bag that contained United States Currency. Once Victim A and the person later identified as the defendant were alone, the defendant approached Victim A. Victim A recalled the defendant stated words to the effect of "I don't want to hurt you, but," while pointing a black/dark blue handgun to Victim A's head. Victim A recalled attempting to push the gun away, and a physical

struggle ensued. Victim A explained that the defendant used pepper spray on Victim A. The defendant then grabbed the black bag containing United States currency and departed.

- 3. On August 10, 2018, during the execution of a search warrant at the defendant's residence, law enforcement found, among other things, a small canister of pepper spray and an unopened canister of pepper spray, a .25 caliber pistol with three live rounds of ammunition, and a bag containing approximately 113 grams of suspect crack cocaine.
- 4. Magistrate Judge Valdez held the defendant's initial appearance on August 13, 2018. At the initial appearance, Magistrate Judge Valdez appointed Gerardo Gutierrez as counsel for the defendant.
- 5. On August 15, 2018, Magistrate Judge Valdez appointed Richard Kling as counsel for the defendant, and the defendant waived a detention hearing without prejudice and was remanded into the custody of the U.S. Marshals.
- 6. On August 21, 2018, the defendant waived his right to a preliminary hearing, being aware that the government would seek an indictment.
- 7. In anticipation of asking the grand jury to return an indictment against the defendant, law enforcement submitted the firearm found on August 10, 2018 for forensic analysis. The analysis will be unable to be completed by September 9, 2018, the date by which the government must seek to return an indictment.

- 8. The government has also been working to have approximately eight witnesses go before the grand jury. The government believes that the grand jury would benefit from hearing their testimony as it relates to the defendant's actions during the two weeks after the robbery, prior to the defendant's arrest.
- 9. Generally, the government must file an indictment within 30 days of a defendant's arrest. 18 U.S.C. § 3161(b). Here, the deadline to file an indictment is September 28, 2016. This Court may extend this period, however, if the ends of justice served by granting the continuance outweigh the best interest of the defendant and the public in a speedy trial. *Id.* § 3161(h)(7)(A); see also United States v. Adams, 625 F.3d 371, 378-79 (7th Cir. 2010). Among the factors identified by Congress as relevant to a determination of whether time should be extended for the government to seek the return of an indictment or file an information are those set forth in 18 U.S.C. § 3161(h)(7)(B). It provides in relevant part:

Whether the case is so unusual or so complex, due to the number of defendants [or] the nature of the prosecution . . . that it is unreasonable to expect adequate preparation for pretrial proceedings or for the trial itself within the time limits established by this section.

Whether, in a case in which arrest precedes indictment, delay in the filing of the indictment is caused because the arrest occurs at a time such that it is unreasonable to expect return and filing of the indictment within the period specified in section 3161(b), or because the facts upon which the grand jury must base its determination are unusual or complex.

Whether the failure to grant such a continuance in a case which, taken as a whole, is not so unusual or so complex as to fall within clause (ii), would deny the defendant reasonable time to obtain counsel, would unreasonably deny the defendant or the Government continuity of counsel, or would deny counsel for the defendant or the attorney for

the Government the reasonable time necessary for the effective preparation, taking into account the exercise of due diligence.

18 U.S.C. §§ 3161(h)(7)(B)(ii), (iii), and (iv).

- 10. The government currently estimates that one 40-day extension of time from the current expiration date of September 9, 2018, to an including October 19, 2018, will be sufficient time within which to return an indictment in this matter. Here, an extension is necessary to allow the reasonable time necessary for the effective preparation of this case, taking into account the exercise of due diligence. Specifically, the extension will allow the return of forensic analysis for the firearm and the presentation of evidence by approximately eight witnesses to the grand jury.
 - 11. Counsel for the defendant does not oppose this motion.

Conclusion

For these reasons, the United States respectfully requests that this Court grant this Motion and extend the time for the return of an indictment or for filing an information against the defendant to, and including, October 19, 2018.

Respectfully submitted,

JOHN R. LAUSCH, JR. United States Attorney

By: s/ Tobara Richardson

Tobara S. Richardson Assistant United States Attorney United States Attorney's Office 219 S. Dearborn Street Chicago, Illinois 60604

(312) 469-6305

Dated: August 30, 2018

cr-00495 Document #: 58 Filed: 04/15/19 Page 19 of 20 PageID #:266

2019 APR 15 AM 8: 36









Case: 1:18-cr-00495 Document #: 58 Filed: 04/15/19 Page 20 of 20 PageID #:267

METROPOLITAN CORRECTIONAL CENTER 71 W. VAN BUREN STREET CHICAGO, IL 60605

The enclosed letter was processed through special mailing procedures for forwarding to you. This letter has neither been opened nor inspected. If the writer raises a question or problem over which this facility has jurisdiction, you may wish to return the materiel for further information or clarification. If the writer encloses correspondence for forwarding to another addressee, please return the enclosure to the above address.

Date: 04-09-2019